S.B. Cr. Bail Application No. 4744/2007
(Kishan Singh Vs. State of Rajasthan)

Date of order : 25.09.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. R.S.Choudhary for the petitioner.
Mr. Ashok Upadhyay, P.P.

Heard learned counsel for the petitioner and public prosecutor for the State. Perused the order impugned.

The petitioner seeks bail under Section 438 Cr.P.C. for the offences under Sections 332, 353, 341, 451, 427 IPC and Section 3 (1) (x) of the SC/ST (Prevention of Atrocities) Act, 1989 (for short 'the Act' hereinafter) as also Section 3 of the Prevention of Damage to Public Property Act.

The bail application is not maintainable under Section 438 Cr.P.C. for the reason that Section 18 of the Act takes away of the powers under Section 438 Cr.P.C. Even otherwise, the manner in which the occurrence took place and a public servant who was discharging the public duty has been assaulted and restrained from discharging the official duty, in my view, it is not a fit case to release the petitioner on anticipatory bail.

The bail application filed by the petitioner under Section 438 Cr.P.C. is accordingly dismissed.

(H.R.PANWAR), J.

rp